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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,468	03/07/2001	Luz Maria Camacho	010942 0269936	4973

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PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

EXAMINER
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BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/801,468	Applicant(s) CAMACHO ET AL.	
	Examiner Christopher J. Brown	Art Unit 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-16,18-21,23-27,29-35,37-40,43 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-16,18-21,23-27,29-35,37-40,43 and 45-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The objection to claims 2, 21, and 40 is removed.

Applicant's arguments with respect to claims 1,2, 4-8, 10-16, 18-21, 23-27, 29-35, 37-40, 43, and 45-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-6, 18-20, 23-25, 37-39, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pereira III US 6,931,402 in view of Viavant US 5,784,566.**

As per claims 1, 19, 20, 38, and 39, Pereira III teaches storing business rules for a plurality of users of different companies, (Col 3 lines 25-34). Pereira III teaches

receiving a message from a user requesting access to online resources, (Col 3 lines 44-47). Pereira III teaches retrieving the rules according to the user, (Col 3 line 64 – Col 4 line 5). Pereira III teaches identifying the company associated with online resources, (Col 4 line 53, Col 5 lines 27-37). Pereira III teaches access control rules, but does not specify the authentication methods used.

Viavant teaches a security system for a user to access data over a network, (Col 5 lines 10-32). Viavant teaches determining whether a request requires authentication, (Col 6 lines 38-43, Col 6 line 67-Col 7 line 4).

Viavant teaches obtaining an indicia of physical identification (fingerprint) if authentication is required, (Col 5 line 1, Col 5 lines 44-46). Viavant teaches authenticating the indicia of physical identification, (Col 7 lines 11-40).

It would have been obvious to include the security system of Viavant in the access system of Pereira III because it increases the network communication security.

As per claims 4-5, 23, and 24, Viavant teaches indicating whether authentication is required or not for access to different servers, (Col 6 lines 37-43).

As per claims 6, and 25 Viavant teaches completely denying access, (Col 6 lines 66, 67 Col 7 lines 34, 35).

As per claims , 18, 37, and 45, Viavant teaches that the indicia is a biometric sample, (Col 5 line 1).

**Claims 2, 7, 8, 21, 26, 27, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pereira III US 6,931,402 in view of Viavant US 5,784,566 in view of Baulier 6,157,707.**

As per claims 2, 21, and 40, the previous Pereira III-Viavant combination does not teach a scoring method to determine if the request requires authentication.

Baulier teaches a scoring method of determining whether or not a user is required to be authenticated, (Col 10 lines 7-24). Baulier teaches that the users history patterns are employed, (Col 6 lines 26-30, Col 9 lines 62-64).

It would have been obvious to one skilled in the art to use a scoring system to determine whether authentication was required because it reduces costs and fraud, (Baulier Col 3 lines 5-10).

As per claims 7, 8, 26, 27, and 43 the previous Pereira III-Viavant combination does not teach determining fraudulent behavior.

Baulier teaches detecting fraud based on a collision or velocity violation, (Col 6 lines 50-67). Baulier teaches a user profile to determine fraudulent behavior, (Col 5 lines 47-58).

It would have been obvious to one of ordinary skill in the art to add the fraud detection of Baulier to the biometric authentication system of Viavant because fraud is a significant financial problem.

**Claims 10-16, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pereira III US 6,931,402 in view of Viavant US 5,784,566 in view of Blonder US 5,708,422.**

As per claims 10-13, and 29-32 the previous Pereira III-Viavant combination does not teach other criteria of authorization if authentication is not required.

Blonder teaches other criteria of authorization using a card transaction including frequency of use, (Col 6 lines 28-37). Blonder teaches a card transaction with restrictions and denying the transaction if the restrictions (frequency of use) are not satisfied, (Col 10 lines 8-20). Blonder teaches that the restrictions may be applied to credit card transactions or debit card account transactions, (Col 4 lines 53-66).

It would have been obvious to one skilled in the art to add the account restrictions of Blonder to the biometric authentication system of the Pereira III-Viavant combination because Blonders system helps prevent financial fraud.

As per claims 14, and 33 the Pereira III-Viavant combination teaches an account that restricts an account associated with a user, (Col 4 lines 40-50). The Pereira III-Viavant combination does not teach determining an account transaction.

Blonder teaches that the restrictions may be applied to credit card transactions or debit card account transactions, (Col 4 lines 53-66).

As per claims 15, 16, 34, and 35 the Pereira III-Viavant combination teaches an account that restricts an account associated with a user, (Col 4 lines 40-50). Pereira III-Viavant combination does not teach parental control

Blonder teaches parental control of a transaction, (Col 5 lines 18-24).

**Claims 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pereira III US 6,931,402 in view of Viavant US 5,784,566 in view of Baulier US 6,157,707 in view of Spiegel US 6,466,918.**

As per claims 46-51, the previous Pereira III-Viavant-Baulier combination teaches using a scoring system for authentication. Pereira III-Viavant-Baulier does not teach weighing scores.

Spiegel teaches a method of weighing scores based on user activity and user history, (Col 13 lines 40-50, Col 14 lines 1-7). Spiegel teaches that system administrators may alter the weights, (Col 13 lines 43-45).

It would have been obvious to one of ordinary skill in the art to add the weighing method of Spiegel to the scoring method of Pereira III-Viavant-Baulier because not all factors in the decision to authenticate are of equal value.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

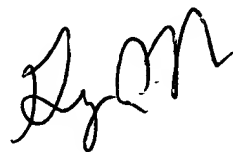
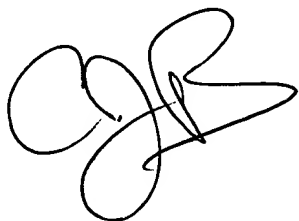
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

1/8/06



GREGORY MOORE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY AND INNOVATION